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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/422,339	10/21/1999	THOMAS G. WOOLSTON	11092-012001	5419

			EXAMINER
20985	7590	11/03/2005	BROWN, TIMOTHY M

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ART UNIT	PAPER NUMBER
1648	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 August 2005*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-66* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-66* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

This Non-Final Office Action is responsive to the communication received August 15,

2005. Claims 1-66 are under examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-66 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

Claim 1 is indefinite for lacking antecedent basis for "the second entity" in the last

line of the claim. This limitation has been interpreted as "the second user" for purposes of

examination.

Claim 1 is indefinite for lacking a nexus between the different method steps. Claim 1

recites "distributing . . . a modular computer program" and "presenting to the one or more

users an interactive visual indication of a user-attractive resource available on the computer

network." These steps however do not narrow the receiving and communicating steps

which are the only steps that appear to result in a useful and tangible result (i.e.

communicating the subset of dynamic pricing information). Appropriate correction that

clarifies the role of the distributing and presenting steps is required.

Claim 1 is indefinite in the recitation of "identifying a subset of dynamic pricing

information." This limitation is unclear in that "subset" implies that the identified pricing

information was selected from a larger set of information. Appropriate correction is

required.

The presenting step, and feature, of claims 48 and 49 is indefinite for the same

reasons as set forth in claim 1. That is, the claims recite presenting a user interface, yet it is

unclear how or whether the receiving, enabling and transferring steps are modified by the

presenting step. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another
> filed in the United States before the invention by the applicant for patent or (2) a patent granted on an
> application for patent by another filed in the United States before the invention by the applicant for patent,
> except that an international application filed under the treaty defined in section 351(a) shall have the effects
> for purposes of this subsection of an application filed in the United States only if the international application
> designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-8, 10, 11, 13-21 and 23-26 are rejected under 35 U.S.C. 102(e) as

being anticipated by Hanson et al. (US 6,507,865 B1) ("Hanson").

Claim 1 is drawn to a method for encouraging users of a computer network to

access dynamic pricing information comprising (i) receiving from a first user input identifying

a subset of dynamic pricing information, and (ii) communicating the subset of dynamic

pricing information selected by the first user, to a second user "for display" at a modular

computer program that displays a stream of dynamic pricing information operated by the

second entity. The distributing and presenting steps of claim 1 do not limit the method in

any way. The distributing step simply distributes a modular computer program, while the

presenting step simply presents a visual indication of a user attractive resource. These

steps do not contribute to the only outcome of the method which is communicating a subset

of dynamic pricing information to a second user.

According to this interpretation, Hanson meets claim 1 by disclosing a method for

distributing dynamic pricing information over the Internet comprising a first user configuring

an applet to display dynamic pricing information to a second user, transmitting the applet to

the second user, and displaying to the second user the dynamic pricing information using

the applet (col. 5, line 11; col. 17, lines 19-20, 19-35). Based on this disclosure, Hanson

anticipates the subject matter of claim 1.

Regarding the claims that depend from claim 1, Hanson discloses a number of other

features including:

a modular computer program comprising a Java-based applet (col. 8, lines 13-14);

a network comprising the Internet (col. 6, line 50);

collecting dynamic pricing information over the Internet (col.3, lines 4-6; col. 17, lines

28-40; cOl. 5, lines 21-32);

pushing (i.e. e-mailing) a copy of the modular computer program (col. 12, lines 32-

33);

pulling (i.e. requesting) an instance of the modular computer program (col. 12, lines

10-15); and

varying (i.e. customizing) the dynamic pricing information through user input

(col. 5, lines 33-35).

Dependent claims 14-21 and 21-36 further limit the distributing and presenting steps

of claim 1. In particular, the dependent claims provide (i) that the presented user attractive

resource comprises a contest, reward, coupon or advertisement, and (ii) that the modular

computer program may be represented by one or more visual indications. These limitations

however do not further limit the claimed method because they only modify the distributing

and presenting steps which, as noted above, do not affect the operation of the claimed

method. Accordingly, the dependent limitations of claims 14-21 and 21-36 have not been

given patentable weight for the purpose of this rejection.

Claim 48 is drawn to a method for encouraging a user to access dynamic pricing

information comprising (i) receiving input from the user that specifies information for display

to another user by a modular computer program, and (ii) enabling the display of the

specified information by a modular computer program associated with another user. The

presenting step of lines 3 through 9 does not limit the method because it is not implemented

in any way. That is, the method simply involves receiving input from a first user, and

"enabling" the display of the information by a modular computer program.

According to this interpretation, Hanson meets claim 48 by disclosing a method of

distributing dynamic pricing information wherein a first user configures an applet by

selecting dynamic pricing information for display at the computer of a second user, and

displaying the selected dynamic pricing information at the computer of a second user as a

dynamic stream of pricing information (col. 5, line 11; col. 17, lines 19-20, 19-35). Based on

this disclosure, Hanson anticipates the subject matter of claim 48.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to
> a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

Claims 1-4, 6-8, 10-15, 21, 22, 27-30, 32-36, 42, 43, 48-52, 54-58 and 64-66 are

rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson et al. (US

6,507,865 B1) ("Hanson") in view of Rudich (Rudich, J. "Customized News" Link-Up,

14, 6, pp. 24-26).

Claims 1 and 48 are anticipated by Hanson as noted above. However, even if

Applicants' distributing and presenting steps were interpreted as requiring an affirmative act,

the invention of claims 1 and 48 would have been obvious over Hanson in view of Rudich.

This similarly applies to the system of claims 27 and 49 as discussed in the following

paragraphs.

Giving patentable weight to Applicants' distributing and presenting steps provides a

method and system for encouraging a user to access dynamic pricing information

comprising (i) distributing a modular computer program over the Internet to a first user

wherein the modular computer program displays a stream of dynamic pricing information

having embedded therein an interactive indication of a user attractive resource, (ii) the first

user operating the modular computer program to select a subset of dynamic pricing

information to be communicated to a second user, and (iii) communicating the subset of

dynamic pricing information to a second for display on a modular computer program.

As noted above, Hanson discloses a method for distributing dynamic pricing

information over the Internet comprising (i) communicating to a first user an applet that

displays dynamic pricing information (col. 5, lines 22-39; col. 7, lines 26-28; col. 18, lines

13-34), (ii) the first user customizing the applet to display a desired subset of pricing

information (col. 18, lines 13-34, (iii) forwarding the customized applet to a second user (col.

3, lines 49-65; col. 21), and (iv) using the customized applet to display to the second user a

scrolling stream of the subset of dynamic pricing information (col. 7, lines 3-4).

If Hanson could be construed to lack anything, it would be embedding the user-attractive resource within the stream of dynamic pricing information. However, it would have been obvious to modify Hanson to include this feature in view of Rudich. Rudich teaches embedding an interactive hyperlink (i.e. a user-attractive resource) within a stream of dynamic data. Clicking Rudich's embedded interactive hyperlink allows the user to access more resources that relate to the hyperlink. At the time of Applicants' invention, one skilled in the art would have recognized that Hanson's dynamic stream of pricing information could be improved by adding Rudich's interactive feature. For example, Hanson discloses that advertisements may be embedded within the customizable applet that is sent between users (col. 11, line 29). Thus, Rudich's interactive hyperlink could be used to allow customers to gain more detailed information about advertisements embedded within Hanson's customizable applet.

Applicants might argue that Hanson does not expressly teach a first user operating the modular computer program to select a subset of data, and communicating the subset of data to a second user. However, Hanson teaches a first user customizing a received applet, and forwarding that applet on to a second user (see e.g. col. 21). Even if Hanson could be distorted to lack this feature, it would have been obvious to one skilled in the art to include such a step. This results because Hanson teaches group collaboration using customizable dynamic content in an email format. Therefore, one skilled in the art would have recognized that Hanson's applets could be received, customized, and forwarded on to a second user who may then repeat the cycle. Accordingly, assuming such a feature were lacking, it would have been obvious to give Hanson's method the ability to transmit the subset of data to a second user as claimed.

Regarding the claims that depend from claims 1, 27, and 49, Hanson discloses a number of other features including:

a modular computer program comprising a Java-based applet (col. 8, lines 13-14);

a network comprising the Internet (col. 6, line 50);

collecting dynamic pricing information over the Internet (col.3, lines 4-6; col. 17, lines 28-40; cOl. 5, lines 21-32);

pushing (i.e. e-mailing) a copy of the modular computer program (col. 12, lines 32-33);

pulling (i.e. requesting) an instance of the modular computer program (col. 12, lines 10-15); and

varying (i.e. customizing) the dynamic pricing information through user input (col. 5, lines 33-35).

Claims 5, 9, 16-20, 23-26, 31, 37-41, 44-47, 53 and 59-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson et al. (US 6,507,865 B1) ("Hanson") in view of Rudich (Rudich, J. "Customized News" Link-Up, 14, 6, pp. 24-26) and Official Notice.

Regarding claims 5, 31 and 53, neither Hanson nor Rudich expressly teach a virtual private network. However, it would have been obvious to one skilled in the art to implement a virtual private network as claimed in order to provide a secure collaboration environment. This would have been particularly desirable considering Hanson teaches using its collaboration method to transmit financial information.

Regarding claim 9, neither Hanson nor Rudich expressly teach an instant messaging system. However, at the time of Applicants' invention, it would have been obvious to one of

ordinary skill in the art to implement this feature in connection with Hanson's method in order to provide immediate access to Hanson's email messages.

Regarding claims 16-20, 37-41 and 59-63, neither Hanson nor Rudich expressly teach a user attractive resource selected from the group consisting of a contest, a reward program, a coupon, an advertisement or a multimedia presentation. However, at the time this application was filed, it would have been obvious to one skilled in the art to use these incentives to increase the effectiveness and appeal of the advertisements embedded within Hanson's customizable applet.

Regarding claims 12, 33 and 55, neither Hanson nor Rudich expressly teach presenting the dynamic pricing information in a predefined taxonomy. However, at the time of Applicants' invention, it would have been obvious to use a taxonomy to organize the different levels of information presented by Hanson's customizable applet. This combination would provide a means for organizing different categories of pricing information.

Regarding claims 23-26 and 44-47, neither Hanson nor Rudich expressly teach displaying one or more instances of the modular computer program concurrently, wherein the one or more instances are the same or different from one another. However, modifying Hanson and Rudich to include this feature would have been obvious at the time of Applicants' invention. The recited features essentially relate to providing one or more indications Hanson's customizable applets which may the same or different from one another. Hanson teaches that its applets can be transmitted as an e-mail message. At the time of Applicants' invention, arranging different and/or redundant messages in an email inbox using one or more visual indications was old and well known at the time of Applicants'

invention. Therefore, arranging Hanson's e-mailed applets according to a customary inbox would have been an obvious modification to the skilled artisan desiring to organize a plurality of Hanson's applets.

Response to Arguments

Indefiniteness Rejections

The rejection of the claims as indefinite is withdrawn in view of Applicants' amendments and remarks.

Art Rejections

Applicants' arguments regarding the rejection of the claims under Fuller (US 6,216,112 B1) are persuasive. The rejection of the claims under Fuller et al. is therefore withdrawn. An updated search however revealed Hanson et al. (US 6,507,865 B1) which anticipates, or renders obvious, the claimed invention. The Examiner regrets the inconvenience of presenting this new ground of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Brown whose telephone number is (571) 272-0773. The examiner can normally be reached on Monday - Friday, 8am - 5pm.
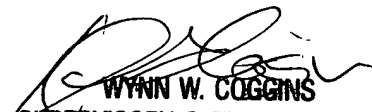
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel can be reached on (571) 272-0902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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217-9197 (toll-free).

Timothy M. Brown
Examiner
Art Unit 1648

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